

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow. No claims are currently being amended. Claims 1-20 remain pending in this application.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

### *Rejections under 35 U.S.C. § 102*

Claims 1-11 and 13-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,223,842 to Masaki ("Masaki"). Claims 1-5, 11-14 and 19-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,026,921 to Aoyama et al. ("Aoyama"). Applicants respectfully traverse these rejections for at least the following reasons.

Independent claim 1 is directed to a torque controlling apparatus for a hybrid vehicle. The torque controlling apparatus comprises "a controller . . . including: . . . a torque distribution section . . . controlling the clutch rate of the clutch and the generation torque of the generator on the basis of at least a vehicular velocity." Neither Masaki nor Aoyama discloses at least this feature of claim 1.

Masaki does disclose controlling the torque distribution in col. 7, lines 22 to 31, as follows:

In this embodiment, in the event a trouble of the clutch 5 is detected, the hybrid vehicle is driven in the series mode in which the clutch is turned off to make the load (transferred torque) on the clutch zero. However, a modification may be made such that in the parallel mode a portion of the torque generated by the engine 1 is converted to an electric energy by the generator 3 and this electric energy is supplied to the motor 6 to so much increase the torque generated by the motor, thereby lightening the amount of torque (load) transferred by the clutch.

While Masaki does disclose controlling the torque distribution in general, nowhere does

Masaki disclose a torque distribution section that controls “the clutch rate of the clutch and the generation torque of the generator” as recited in claim 1, much less such control “on the basis of at least a vehicular velocity.” Masaki merely discloses torque distribution control which converts a portion of the torque generated by the engine to electric energy (when the clutch has trouble), and Masaki does not disclose controlling the clutch rate of the clutch on the basis of a vehicular velocity. Thus, Masaki fails to disclose or suggest all the features of claim 1.

With respect to Aoyama, and the limitation of the controller including the torque distribution section as recited in claim 1, the Office Action cites to Aoyama at col. 6, line 10 to col. 7, line 25. Aoyama, however, does not disclose that the engine torque is distributed into a clutch transmission torque and a generation torque transmitted to a generator. Moreover, Aoyama does not disclose a torque distribution section that controls “the clutch rate of the clutch and the generation torque of the generator on the basis of at least a vehicular velocity” as recited in claim 1. Thus, Aoyama also fails to disclose or suggest all the features of claim 1.

Independent claims 19 and 20 respectively recite “the torque distribution means controlling a clutch rate of the clutch means and the generation torque of the power generating means on the basis of at least a vehicular velocity” and “controlling a clutch rate of the clutch and the generation torque of the generator on the basis of at least a vehicular velocity”. Thus, claims 19 and 20 are patentable over Masaki and Aoyama for reasons analogous to claim 1.

Dependent claims 2-18 ultimately depend from claim 1, and are patentable for at least the same reasons as well as for further patentable features recited therein.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date November 24, 2004

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